



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450  
www.uspto.gov

BOZICEVIC, FIELD & FRANCIS LLP  
1900 UNIVERSITY AVENUE  
SUITE 200  
EAST PALO ALTO CA 94303

**MAILED**

**JUL 13 2010**

In re Application :  
Schuster, et al. : **OFFICE OF PETITIONS**  
Application No. 10/596,207 : **PATENT TERM ADJUSTMENT**  
Filing or 371(c) Date: August 21, 2007 :  
Dkt. No.: ZGNX-112 :

This is in response to the "REQUEST UNDER 37 C.F.R. § 1.705(b) FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT," filed May 4, 2010.

Applicants submit that the correct patent term adjustment to be indicated on the patent is 174 days, not zero days as calculated by the Office as of the mailing of the initial determination of patent term adjustment.

The request for reconsideration of patent term adjustment is **GRANTED IN PART TO THE EXTENT INDICATED HEREIN.**

Review of the record confirms applicants' assertion that the application is entitled to an adjustment of 154 days pursuant to 37 CFR 1.702(a)(1) in connection with the mailing of the restriction requirement on March 24, 2009.

Further review of the record confirms applicants' assertion that the application is entitled to an additional adjustment of 20 days pursuant to 37 CFR 1.702(a)(2) in connection with the mailing of the Notice of Allowance on March 15, 2010.

While applicants assert that the patent term adjustment is not subject to any applicant delay, review of the record reveals that the adjustment is subject to a reduction of 50 days in connection with the reply filed August 21, 2007 in response to the Notice mailed April 2, 2007. The reduction commenced June 3, 2007, the day after the date that is three months after the date that the Notice was mailed, and ended August 21, 2007, the date that a reply to the Notice was filed.

In view thereof, as of the time of allowance, the application is entitled to a patent term adjustment of 124 days (174 days pursuant to 37 CFR 1.702(a) *less* 50 days pursuant to 37 CFR 1.704).

Applicants are further advised that the patent term adjustment indicated in the patent will include any additional patent term accrued pursuant to §§ 1.702(a)(4) and 1.702(b).

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required pursuant to 37 CFR 1.705(b).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3205.

*/ALESIA M. BROWN/*

Alesia M. Brown  
Petitions Attorney  
Office of Petitions

Enclosure:     Adjusted PAIR Calculation

Day : Tuesday  
Date: 7/13/2010

# PALM INTRANET

Time: 06:50:20

## PTE Calculations for Application: 10/596207

Application Filing Date:	08/21/2007	PTO Delay (PTO):	0
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	0
Post-Issue Petitions:	0	Total PTE (days):	124
PTO Delay Adjustment:	124		

## File Contents History

Number	Date	Contents Description	PTO	APPL	START
62	07/13/2010	ADJUSTMENT OF PTA CALCULATION BY PTO		50	
61	07/13/2010	ADJUSTMENT OF PTA CALCULATION BY PTO	20		
60	07/13/2010	ADJUSTMENT OF PTA CALCULATION BY PTO	154		
50	03/15/2010	MAIL NOTICE OF ALLOWANCE			
49	03/12/2010	ISSUE REVISION COMPLETED			
48	03/12/2010	DOCUMENT VERIFICATION			
47	03/12/2010	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
46	03/12/2010	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
45	03/11/2010	EXAMINER'S AMENDMENT COMMUNICATION			
44	03/11/2010	NOTICE OF ALLOWABILITY			
43	03/04/2010	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
40	10/23/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
39	10/23/2009	NEW OR ADDITIONAL DRAWING FILED			
38	10/23/2009	ELECTRONIC INFORMATION DISCLOSURE STATEMENT			
37	12/14/2009	DATE FORWARDED TO EXAMINER			
36	10/23/2009	RESPONSE AFTER NON-FINAL ACTION			
35	10/23/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
34	07/30/2009	MAIL NON-FINAL REJECTION			
33	07/29/2009	NON-FINAL REJECTION			
29	11/15/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
28	06/10/2009	DATE FORWARDED TO EXAMINER			

27	06/02/2009	RESPONSE TO ELECTION / RESTRICTION FILED			
26	06/02/2009	REQUEST FOR EXTENSION OF TIME - GRANTED			
25	03/24/2009	MAIL RESTRICTION REQUIREMENT			
24	03/24/2009	REQUIREMENT FOR RESTRICTION / ELECTION			
23	02/17/2009	CASE DOCKETED TO EXAMINER IN GAU			
22	11/15/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
21	03/24/2008	PRELIMINARY AMENDMENT			
20	02/28/2008	PG-PUB ISSUE NOTIFICATION			
19	10/29/2007	PRELIMINARY AMENDMENT			
18	01/05/2008	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
16	11/29/2007	APPLICATION DISPATCHED FROM OIPE			
15	11/20/2007	SENT TO CLASSIFICATION CONTRACTOR			
14	11/20/2007	FILING RECEIPT			
13	11/20/2007	NOTICE OF DO/EO ACCEPTANCE MAILED			
12	08/21/2007	ADDITIONAL APPLICATION FILING FEES			
7	11/15/2007	INFORMATION DISCLOSURE STATEMENTS			
6	10/29/2007	PRELIMINARY AMENDMENTS			
5	08/21/2007	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			

Search Another: Application#

#### EXPLANATION OF PTA CALCULATION

#### EXPLANATION OF PTE CALCULATION

To go back, right click here and select Back. To go forward, right click here and select Forward. To refresh, right click here and select Refresh.

Back to [OASIS](#) | [Home page](#)